REMARKS

The examiner rejected Claims 3 and 26-30 under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicant has amended Claim 3 to recite ... a pair of output terminals of the adapter. Support for this amendment is found for instance in FIG. 2A, (37a, 37b) or FIG. 2B (37a, 37b and 39a, 39b). Applicant has amended claims 26-28 to call for a "member."

The examiner also objected to claim 29. Applicant has amended claim 29 to depend from claim 27 and to include "wherein," as suggested by the examiner.

The examiner rejected Claims 1 and 3-4 under 35 U.S.C. 102(b) as being anticipated by Sainsbury et al. (6,104,162). The examiner stated:

> **Claim 1: Sainsbury et al. in Figures 1, 2 and 6 discloses an adapter comprises: a member (15) including appropriate mating fittings to allow the member to connect to a interconnect (20) that interfaces a battery or a source of fuel (41) to a fuel cell system for powering an electronic device (10) (col. 3: 25-col. 4: 26, and col. 5: 3-40).**

In response to Applicant's argument, which the examiner excerpted, the examiner also stated:

> **In response, Claim 1 recites ".. .to connect to a battery or a source of fuel for a fuel cell system." The recitation has been construed to mean that the member can be connected to either a battery or a fuel source for a fuel cell. Sainsbury in Figures 1, 2 and 6 show an adapter (35) comprising a member (5) including appropriate mating fitting (11 or 12) to connect to a battery and/or a fuel cell unit. The adapter of Sainsbury interfaces between a drill, and a battery and/or a fuel cell unit (as opposed to the fuel source).**

However, claim 1 cannot be anticipated by Sainsbury, since claim 1 does not recite that an adapter comprises a member to connect to a battery or a fuel cell system, but instead requires: "... a member including appropriate mating fittings to allow the member to connect to a battery or a source of fuel for a fuel cell system .... Presumably in the arrangement taught by Sainsbury, the drill does not couple the source of fuel for a fuel cell to the drill, since as disclosed by Sainsbury a fuel cell must be coupled to the adapter. Therefore, either the fuel cell is preloaded with fuel or the source of fuel is coupled to the fuel cell.

The adapter recited in claim 1 in contrast has the adapter interposed between the source of fuel and the fuel cell ("... a member including appropriate mating fittings to allow the member to connect ... a source of fuel for a fuel cell system ... .", whereas in addition allows a battery to be connected to the same adapter.

Thus, unlike Sainsbury there is no teaching of an adapter that connects a battery or a source of fuel for a fuel cell. Therefore, Claim 1 cannot be anticipated by Sainsbury, since Sainsbury does not identically describe all of the features of claim 1 arranged as in claim 1. Indeed, the examiner correctly acknowledges this by admitting that: "Sainsbury in Figures 1, 2 and 6 show an adapter (35) comprising a member (5) including appropriate mating fitting (11 or 12) to connect to a battery and/or a fuel cell unit. The adapter of Sainsbury interfaces between a drill, and a battery and/or a fuel cell unit (as opposed to the fuel source)."

The examiner's acknowledgement that Sainsbury interfaces a battery and/or a fuel cell unit as opposed to the fuel cell clearly shows that claim 1 is not anticipated. Moreover, Sainsbury also depicts the battery and/or fuel cell connecting to electronic circuits, specifically, the battery charger 42, power converter/distributor, 43 and power monitor, 44 disclosed by Sainsbury. None of these components could be modified to accept a source of fuel for a fuel cell. Therefore, it is clear that Sainsbury neither describes nor suggests the features of claim 1.

As for claim 3, the examiner stated: "Sainsbury et al. in Figure 3 disclose electronics to convert power incident at an input of the adapter to an output power level at the pair of spaced battery terminals (col. 4: 27-col.5:2).

Claim 3 is allowable at least for the reasons discussed in claim 1.

The examiner rejected Claims 1-4 under 35 U.S.C. 102(e) as being anticipated by Bourilkov el al. (US 2004/0253500). The examiner stated:

> **Claim 1: Bourilkov et al. in Figure 2 disclose an adapter comprises: a member (20) including appropriate mating fittings (32, 34) to allow the member to connect to a battery or a source of fuel for a fuel cell system for powering an electronic device. See paragraphs [0021]-[0022].**

Applicant contends that claims 1-4 are patentable over Bourilkov et al. The examiner relies principally on paragraphs [0021] and [0022]. These are reproduced below:

> **[0020] The interconnect 20 can distinguish between a fuel cartridge and a battery. The interconnect 20 provides a convenient technique to allow a fuel cell-powered device to operate in situations where a fuel cartridge is temporarily unavailable. This is accomplished by the interconnect 20 between a fuel cell power source and a fuel cartridge. The interconnect 20 allows the power source to automatically detect the insertion of a primary or charged secondary battery or batteries into the fuel cartridge cavity. The interconnect 20 allows the primary or secondary battery or batteries to operate the device and allow consumer use of their device in the temporary absence of a fuel cartridge. Device 12 can be any type of portable device such as a mobile phone, portable computer or audio/video device. In general, device 12 would include an operable portion (not shown), i.e., the part of the device that provides the device's function, a fuel cell (not shown) to provide portable power to the device and the interconnect 20 all housed within the housing 11.**
>
> **[0021] Referring to FIG. 2, interconnect 20 provides an interface between a fuel cell 22 and a fuel cartridge or battery (not shown). The interface 20 has appropriate mating fittings 32 to allow a fuel cartridge (not shown) to connect to the interface 20 and deliver fuel to the fuel cell 22 disposed in the device 12. The mating fitting 32 provides an ingress fuel interface port. The interface port 32 can be a simple valve or merely an ingress port or other configuration enabling passage of a liquid or gas fuel and allow secure, leak-proof mating with a complementary port on a fuel cartridge. The mating fitting 32 allows liquid or gas fuel to flow into the fuel cell 22, via an egress port 33 to enable operation of the fuel cell. The interface 20 also includes a pair of spring-loaded battery terminal contacts 34a, 34b disposed on a common surface of the interconnect 20 to allow for contact with battery terminals in a prismatic battery system. The fuel cell 22 receives fuel from the fuel cartridge that is connected to the interconnect 20. The fuel cell converts the fuel into electrical energy that is used to power electronic circuits 24 that provide the operational functionality for the device 12. The electronic circuits 24 can also be powered by a battery (not shown) that is connected to the interconnect 20.**

Nowhere in Bourilkov el al. (US 2004/0253500) does Bourilkov el al. disclose the claimed adapter. Rather, Bourilkov el al. discloses an interconnect 20 housed in the compartment 14. Accordingly, claims 1-4 are not anticipated by Bourilkov el al.

Allowable Subject Matter

The examiner indicated that Claims 26-30 would be allowable over the prior art references of record if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office action and that Claims 31-35 were allowable over the prior art references of record. Applicant has amended claims 26, 27 and 29 to overcome the 35 U.S.C. 112, 2nd paragraph rejection and therefore submits that claims 26-35 are now allowable.

The examiner provided Reasons for Indicating Allowable Subject Matter.

Applicant does not disagree with these statements except to note that claim 26 was amended to clarify language and that other reasons for the allowance of these claims may exist

and that the dependent claims may add additional patentably distinct features to the claimed invention.

Applicant contends that the prior art references of record neither describe nor suggest the features of the pending claims.

Applicant also contends that since claim 1 is now allowable and is generic to claims 5-9 that those claims are also allowable.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 12/21/06

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